



### **JURISDICTION AND VENUE**

2. This Court has jurisdiction of the action under 28 U.S.C. § 1331. Venue is proper as the plaintiff HILL is a resident of this judicial district and Defendant, CITY of CHICAGO is a municipal corporation located within the judicial district. On information and belief, the DEFENDANT OFFICERS are also residents of this judicial district. Further, the events giving rise to the claims asserted here all occurred within the district.

### **BACKGROUND**

3. On or about June 13, 2007, the Plaintiff, HILL, was in the vicinity of 1642 W. Howard in Chicago, Cook County, Illinois.

4. DEFENDANT OFFICERS DANIEL RESCHKE, STAR No. 17201 and JOSE ROMERO, STAR No. 12304 arrived on the scene in a marked squad car and told HILL to come to the car.

5. Plaintiff HILL asked THE DEFENDANT OFFICERS what he had done. DEFENDANT OFFICER RESCHKE jumped out of the front passenger seat of the squad car, grabbed HILL and pushed him into the alley in the vicinity of 1642 W. Howard.

6. DEFENDANT OFFICER RESCHKE repeatedly cursed at HILL as he threw HILL to the ground and beat HILL in the alley, causing lacerations and abrasions to his chin, face and knees.

7. DEFENDANT OFFICER ROMERO ran into the alley and assisted OFFICER RESCHKE in placing handcuffs on HILL. DEFENDANT OFFICERS RESCHKE and ROMERO then dragged HILL into the back of their squad car. At the time HILL was placed into the squad car, HILL was bleeding from lacerations to his chin and knees and was in need of medical attention.

8. DEFENDANT OFFICERS ROMERO and RESCHKE took HILL to the 24<sup>th</sup> Chicago Police District located at 6464 N. Clark Street in Chicago.

9. As they entered the 24<sup>th</sup> District from the parking lot, DEFENDANT OFFICER RESCHKE grabbed HILL by his hair, told HILL he was a “punk ass bitch” and slammed HILL’s head into the doorway, causing HILL’s forehead to split open.

10. As HILL screamed for help, DEFENDANT OFFICER THANASENARIS, STAR No. 6124, assisted OFFICERS ROMERO and RESCHKE force HILL into an interview room at the 24<sup>th</sup> District.

11. DEFENDANT OFFICERS THANASENARIS, ROMERO and RESCHKE conspired to say that HILL was injured while resisting and cut his head and chin open when he fell inside the 24<sup>th</sup> District .

12. While doing reports in another office in the 24<sup>th</sup> District, Chicago Police Sargent Alexa, star no. 1120, heard HILL yelling from the interview room. Sargent Alexa went into the interview room and immediately called for Emergency Medical Services upon seeing the injuries to HILL’s face.

13. HILL, was transported to St. Francis Hospital in Evanston, Illinois, and underwent laceration repair to his chin and forehead.

14. DEFENDANT OFFICERS THANASENARIS, ROMERO and RESCHKE made false statements regarding how HILL received his injuries. Oral and written statements of the DEFENDANT OFFICERS regarding Plaintiff’s alleged culpability were made with knowledge that the statements were false and perjured. In so doing, the DEFENDANT OFFICERS fabricated evidence and withheld exculpatory information.

15. HILL was transported back to the 24<sup>th</sup> District and charges with the felony offense of Aggravated Battery to DEFENDANT OFFICER RESCHKE.

16. Attorneys for HILL arrived at the 24<sup>th</sup> District and were denied access to HILL by DEFENDANT OFFICER DETRICK, STAR No. 3382. Defendant DETRICK told the lawyers that the 24<sup>th</sup> District was “short handed” and HILL could not be brought out of the lock up. After waiting for an hour, lawyers for HILL again asked DEFENDANT DETRICK when the Plaintiff would be available. DEFENDANT DETRICK responded, “I don’t care who you are or who you call” and denied the attorneys access to HILL.

**COUNT I – 42 U.S.C. §1983: Excessive Force**

17. Plaintiff re-alleges and incorporates the foregoing paragraphs 1-16 as fully stated herein.

18. The acts of the DEFENDANT OFFICER RESCHKE were a deliberate and malicious deprivation of the plaintiff’s constitutional rights against excessive force as guaranteed to the plaintiff by the Fourth Amendment of the Constitution and made applicable to the states by the Fourteenth Amendment.

19. As a result of the unreasonable and unjustifiable excessive force used by the DEFENDANT OFFICER RESCHKE , the plaintiff suffered physical and emotional injuries, and other damages in violation of 42 U.S.C. 1983.

**COUNT II – 42 U.S.C. § 1983: False Arrest/Unlawful Detention**

20. Plaintiff re-alleges and incorporates paragraphs 1-16 as fully stated herein.

21. As described above, the DEFENDANT OFFICERS falsely arrested

and unlawfully detained the plaintiff without justification and without probable cause, and denied him access to his attorney.

22. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of others, and specifically, the rights of the plaintiff.

23. As a result of the above-described wrongful infringement of Plaintiff's rights, Plaintiff suffered damages, including but not limited to mental distress and anguish.

### **COUNT III – State Law Claim: Assault and Battery**

24. Plaintiff re-alleges and incorporates paragraphs 1-16 above as fully stated herein.

25. As described in the preceding paragraphs, the conduct of DEFENDANT OFFICER RESCHKE., acting under color of law and within the scope of his employment, constituted unjustified and offensive physical contact, undertaken willfully and wantonly, proximately causing Plaintiff's bodily injuries.

26. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally with willful indifference to Plaintiff's constitutional rights.

27. The misconduct described in this Count was undertaken by the DEFENDANT OFFICERS within the scope of their employment such that their employer, the CITY OF CHICAGO, is liable for their actions.

### **COUNT IV – State Law Claim: False Imprisonment**

28. Plaintiff re-alleges and incorporates paragraphs 1-16 above as fully stated herein.

29. Plaintiff was arrested and imprisoned, and thereby had his liberty to move about unlawfully restrained, despite DEFENDANT OFFICERS' knowledge that there was no probable cause for doing so.

30. DEFENDANT OFFICERS' actions set forth above were undertaken intentionally, with malice and reckless indifference to Plaintiff's rights.

31. As a result of the above-described wrongful infringement of Plaintiff's rights, Plaintiff suffered damages, including but not limited to mental distress and anguish.

32. The misconduct described in this Count was undertaken by the DEFENDANT OFFICERS within the scope of their employment such that their employer, the CITY OF CHICAGO, is liable for their actions.

**COUNT V – State Law Claim: Intentional Infliction of Emotional Distress**

33. Plaintiff re-alleges and incorporates paragraphs 1-16 above as fully stated herein.

34. The actions committed by the DEFENDANT OFFICERS as described above were extreme and outrageous; they were undertaken willfully, wantonly and maliciously, with the intent to cause HILL severe emotional distress; and they caused and continue to cause HILL severe emotional distress.

35. The misconduct described in this Count was undertaken by the DEFENDANT OFFICERS within the scope of their employment such that their employer, the CITY OF CHICAGO, is liable for their actions.

**COUNT VI : Failure to Intervene**

36. Plaintiff re-alleges and incorporates paragraphs 1-16 above as fully stated herein.

37. DEFENDANT OFFICER ROMERO knew, or should have known, that DEFENDANT OFFICER RESCHKE, would use excessive force on the Plaintiff as described above.

37. DEFENDANT OFFICER ROMERO had a realistic opportunity to prevent or limit the harm to the Plaintiff and failed to take reasonable steps to prevent harm from occurring to the Plaintiff.

38. DEFENDANT OFFICER ROMERO failure to take reasonable steps to prevent harm from occurring to the Plaintiff caused the Plaintiff harm, including, but not limited to, physical pain and suffering and mental stress and anguish.

39. The misconduct described in this Count was undertaken by DEFENDANT OFFICER ROMERO under color of law and within the scope of his employment such that his employer, the CITY OF CHICAGO, is liable for his actions.

**COUNT VII – State Law Claim: Indemnification**

40. Plaintiff re-alleges and incorporates paragraphs 1-16 above as fully stated herein.

41. In Illinois, public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment activities. 735 ILCS 10/9-102.

42. DEFENDANT OFFICERS are or were employees of the the CITY OF CHICAGO and acted within the scope of their employment in committing the misconduct described herein.

**REQUEST FOR RELIEF**

43. Plaintiff, JERRY HILL respectfully requests that the Court:

- a. Enter judgment in his favor and against Defendants, CITY OF CHICAGO and CHICAGO Police Officers DANIEL RESCHKE, STAR No. 17201, JOSE ROMERO, STAR NO. 12304, THANASENARIS, STAR No. 6124, and DETRICK, STAR No. 3382 ;

- b. Award compensatory damages against Defendants, CITY OF CHICAGO and CHICAGO Police Officers DANIEL RESCHKE, STAR No. 17201, JOSE ROMERO, STAR NO. 12304, THANASENARIS, STAR No. 6124, and DETRICK, STAR No. 3382;
- c. Award attorneys' fees against Defendants, CITY OF CHICAGO and CHICAGO Police Officers DANIEL RESCHKE, STAR No. 17201, JOSE ROMERO STAR NO. 12304, THANASENARIS, STAR No. 6124, and DETRICK, STAR No. 3382;
- d. Award punitive damages against CHICAGO Police Officers DANIEL RESCHKE, STAR No. 17201, JOSE ROMERO STAR NO. 12304, THANASENARIS, STAR No. 6124, and DETRICK, STAR No. 3382;
- e. Grant any other relief this Court deems just and appropriate.

**JURY DEMAND**

Plaintiff, JERRY HILL, demands a trial by jury under the Federal Rule of Civil Procedure 38(b) on all issues so triable.

By:

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One of Plaintiff's Attorneys

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